

**CITY OF SAN DIEGO
M E M O R A N D U M**

DATE: October 21, 2008

TO: Elizabeth Maland, City Clerk

FROM: Gerri Bollenbach, Assistant Engineer

SUBJECT: Approval of the final map "111 Pennsylvania Avenue"

The City Engineer has examined and states that he can make the necessary findings to approve the final map "111 Pennsylvania Avenue". Pursuant to Section 125.0630 M.C., please place the following notice as an information item in the Council Docket for November 10, 2008.

NOTICE of Pending Final Map Approval

Notice is hereby given that the City Engineer has reviewed and will approve on the date of this City Council meeting that certain final map entitled "111 Pennsylvania Avenue" (T.M. No. 237281 PTS No. 156434) located on the northeast corner of Front Street and Pennsylvania Avenue in the Uptown Community Plan area in Council District 2, a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

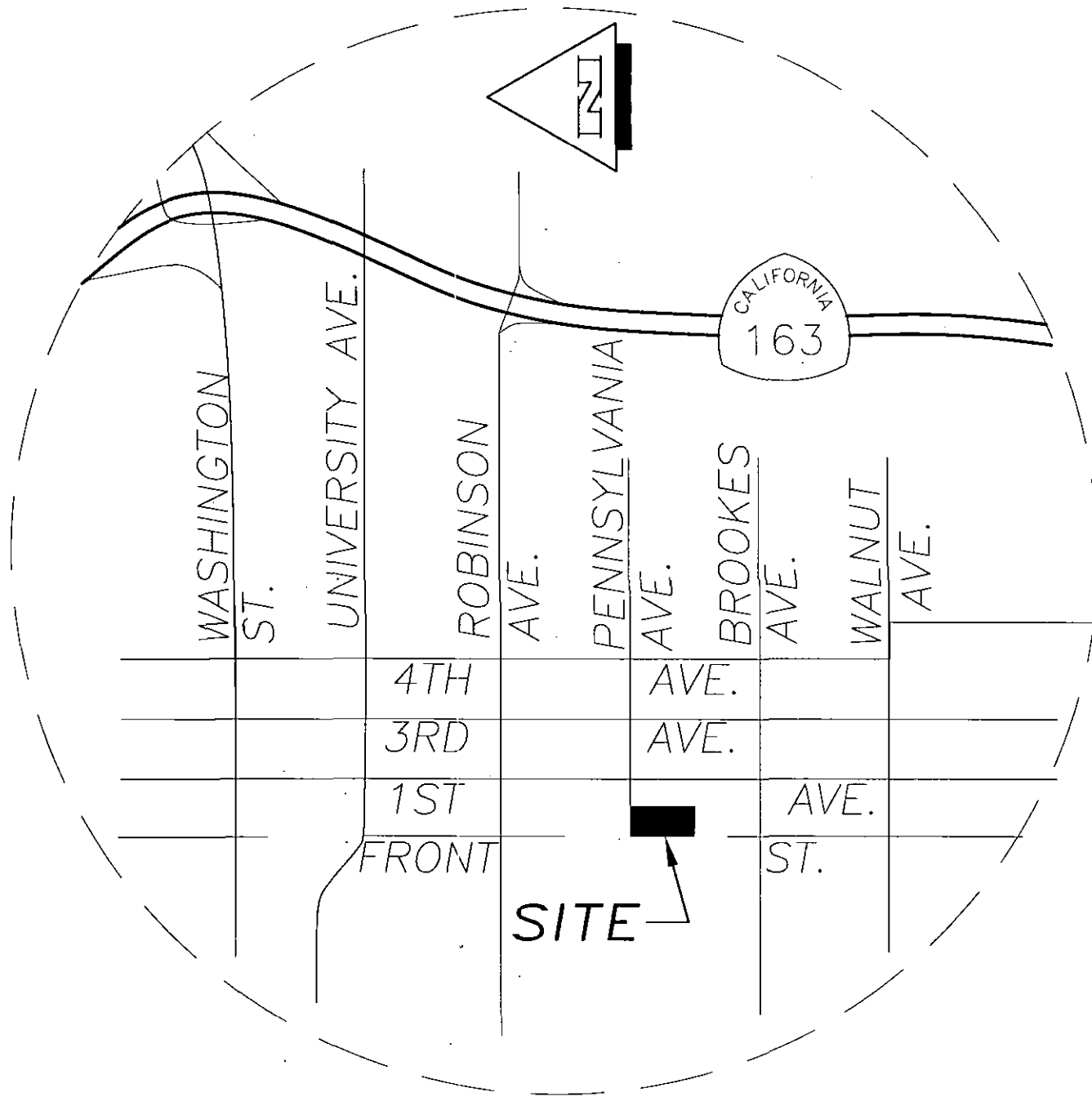
- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 PM, 10 calendar days from the date of this City Council meeting stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact Greg Hopkins at (619) 446-5291.

cc: W.O. 430919 PTS 156434

Attachment: Vicinity map, reduced copy of map

001065



VICINITY MAP

NO SCALE

MAP NO.

SHEET 1 OF 3 SHEETS

111 PENNSYLVANIA AVENUE

OWNER'S CERTIFICATE:

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF OR ARE INTERESTED IN THE LAND EMBRACED WITHIN THE SUBDIVISION TO BE KNOWN AS 111 PENNSYLVANIA AVENUE AND WE HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP, CONSISTING OF 3 SHEETS AND DESCRIBED IN THE CAPTION THEREOF.

IT IS OUR INTENT TO SUBMIT OUR ENTIRE INTEREST IN THE REAL PROPERTY SHOWN ON THIS MAP, INCLUDING ANY REVERSION RIGHTS THAT MAY EXIST WITHIN THE ADJOINING PUBLIC RIGHTS-OF-WAY. IT IS NOT OUR INTENT TO ALTER OR SEVER THE LEGITIMATE RIGHTS OF OTHERS WHO MAY HAVE A CLAIM ON THOSE REVERSION RIGHTS THROUGH PRIOR CONVEYANCES.

KMF PARK EAST, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: KMF VII FUNDING CO., LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: KLINGBEIL MULTIFAMILY FUND VII, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: KMF VII INVESTORS, LLC, AN OHIO LIMITED LIABILITY COMPANY

BY: _____

NAME: _____

TITLE: _____

RED MORTGAGE CAPITAL, INC., AS BENEFICIARY UNDER DEED OF TRUST RECORDED JUNE 4, 2008 AS INSTRUMENT NO. 2008-0300974 OF OFFICIAL RECORDS. ACCORDING TO THE PUBLIC RECORDS THE BENEFICIAL INTEREST UNDER THE DEED OF TRUST WAS ASSIGNED TO FANNIE MAE BY ASSIGNMENT RECORDED JUNE 4, 2008 AS INSTRUMENT NO. 2008-0300975 OF OFFICIAL RECORDS.

FANNIE MAE

BY: _____

NAME: _____

TITLE: _____

SIGNATURE OMISSION:

THE SIGNATURE OF THE CITY OF SAN DIEGO, OWNER OF EASEMENTS PER DOCUMENTS NOTED BELOW AND RIGHT OF WAY FOR STREET PURPOSES, AS DEDICATED BY MAP 621 OF CLEVELAND HEIGHTS, HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436, SUBSECTION (a)(3)(A)(i) OF THE SUBDIVISION MAP ACT. THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURE IS NOT REQUIRED BY THE GOVERNING BODY.

AN EASEMENT FOR A RIGHT OF WAY FOR PUBLIC ALLEY PURPOSES, RECORDED JANUARY 31, 1968 AS INSTRUMENT NO. 180311 OF OFFICIAL RECORDS.

AN EASEMENT FOR PUBLIC UTILITIES, RECORDED JUNE 11, 1968 AS INSTRUMENT NO. 97406 OF OFFICIAL RECORDS.

AN EASEMENT FOR PUBLIC UTILITIES, RECORDED JUNE 11, 1968 AS INSTRUMENT NO. 97407 OF OFFICIAL RECORDS.

THE SIGNATURE OF SAN DIEGO GAS AND ELECTRIC COMPANY, OWNER OF AN EASEMENT FOR PUBLIC UTILITIES, RECORDED AUGUST 22, 1968 AS INSTRUMENT NO. 145230 OF OFFICIAL RECORDS, HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436, SUBSECTION (a)(3)(A)(i) OF THE SUBDIVISION MAP ACT. THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURE IS NOT REQUIRED BY THE GOVERNING BODY.

THE SIGNATURE OF COX COMMUNICATIONS SAN DIEGO OWNER OF AN EASEMENT FOR CABLE TELEVISION AND TELECOMMUNICATIONS SERVICES RECORDED JANUARY 22, 2002, AS INSTRUMENT NO. 2002-005224 OF OFFICIAL RECORDS, HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436, SUBSECTION (a)(3)(A)(i) OF THE SUBDIVISION MAP ACT. THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURE IS NOT REQUIRED BY THE GOVERNING BODY.

SAN DIEGO LAND SURVEYING & ENGINEERING, INC.
9665 CHESAPEAKE DRIVE, SUITE 445
SAN DIEGO, CALIFORNIA 92123 (858)-565-8362

BEING A CONSOLIDATION AND SUBDIVISION OF LOTS 1 THROUGH 6 INCLUSIVE IN BLOCK 12, OF CLEVELAND HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF 621, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, FEBRUARY 4, 1890.

SUBDIVISION GUARANTEE BY: FIRST AMERICAN TITLE COMPANY
ORDER NO. 3089857 (25)

THIS IS A MAP OF A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1350 ET. SEQ. OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE PLANNING COMMISSION RESOLUTION NO. PC-3918, DATED DECEMBER 15, 2005, APPROVES 56 RESIDENTIAL CONDOMINIUM UNITS.

STATE OF _____ S.S.
COUNTY OF _____

ON _____, 2008 BEFORE ME, _____ A NOTARY PUBLIC, PERSONALLY APPEARED _____ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT (HE/SHE) EXECUTED THE SAME IN (HIS/HER) AUTHORIZED CAPACITY AND THAT BY (HIS/HER) SIGNATURE ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF _____ THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND.

NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE.

PRINT NAME: _____

PRINCIPAL COUNTY OF BUSINESS: _____

COMMISSION EXPIRES: _____

COMMISSION NO. OF NOTARY: _____

STATE OF _____ S.S.
COUNTY OF _____

ON _____, 2008 BEFORE ME, _____ A NOTARY PUBLIC, PERSONALLY APPEARED _____ AND _____ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT (HE/SHE/THEY) EXECUTED THE SAME IN (HIS/HER/THEIR) AUTHORIZED CAPACITY(IES), AND THAT BY (HIS/HER/THEIR) SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF _____ THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND.

NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE.

PRINT NAME: _____

PRINCIPAL COUNTY OF BUSINESS: _____

COMMISSION EXPIRES: _____

COMMISSION NO. OF NOTARY: _____

CITY CLERK'S CERTIFICATE:

I, CITY CLERK OF THE CITY OF SAN DIEGO, CALIFORNIA HEREBY CERTIFY THAT THE CITY ENGINEER HAS APPROVED THIS SUBDIVISION MAP. I ALSO CERTIFY THAT PROPER PUBLIC NOTICE HAS BEEN GIVEN OF THAT APPROVAL ON _____ AND THAT THE LEGAL APPEAL PERIOD HAS EXPIRED.

IN WITNESS WHEREOF THESE PRESENTS, I HEREBY EXECUTE AND ATTEST BY SEAL THIS _____ DAY OF _____, 2008.

ELIZABETH MALAND
CITY CLERK

BY: _____ DEPUTY

SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF MARK M. MULLEN IN MAY OF 2005. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

(SEE LEGEND ON SHEET NO. 2)

ROBERT J. BATEMAN, P.L.S. 7048
LICENSE EXPIRES DECEMBER 31, 2008.

DATE: _____



CITY ENGINEER'S STATEMENT:

I HEREBY STATE THAT THIS MAP WAS EXAMINED BY ME OR UNDER MY DIRECT SUPERVISION; THAT IT SUBSTANTIALLY CONFORMS TO THE TENTATIVE MAP, IF ANY, AND ANY APPROVED ALTERATIONS THEREOF; THAT IT COMPLIES WITH THE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP AND THAT IT IS TECHNICALLY CORRECT.

I ALSO CERTIFY THAT THERE ARE NO UNPAID BONDS ISSUED UNDER THE STREET IMPROVEMENT ACTS OF THE STATE OF CALIFORNIA AGAINST THIS SUBDIVISION.

AFSHIN OSKOLU, CITY ENGINEER

BY: _____
GREGORY P. HOPKINS, DEPUTY
P.L.S. 7730

DATE: _____

CLERK OF THE BOARD OF SUPERVISORS STATEMENT:

I, THOMAS J. PASTUSZKA, CLERK OF THE BOARD OF SUPERVISORS, HEREBY STATE THAT THE PROVISIONS OF THE SUBDIVISION MAP ACT (DIVISION 2 OF TITLE 7 OF THE GOVERNMENT CODE) REGARDING (a) DEPOSITS FOR TAXES AND (b) CERTIFICATION OF THE ABSENCE OF LIENS FOR UNPAID STATE, COUNTY, MUNICIPAL OR LOCAL TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES EXCEPT THOSE NOT YET PAYABLE, HAVE BEEN COMPLIED WITH.

THOMAS J. PASTUSZKA
CLERK OF THE BOARD OF SUPERVISORS

BY: _____ DEPUTY

DATE: _____

RECORDER'S CERTIFICATE:

FILE NO. _____

I, GREGORY J. SMITH, COUNTY RECORDER OF THE COUNTY OF SAN DIEGO CALIFORNIA, HEREBY CERTIFY THAT I HAVE ACCEPTED FOR RECORDATION THIS MAP FILED AT THE REQUEST OF ROBERT J. BATEMAN THIS _____ DAY OF _____, 2008, AT _____ O'CLOCK _____ M.

GREGORY J. SMITH
COUNTY RECORDER
FEE: \$14.00

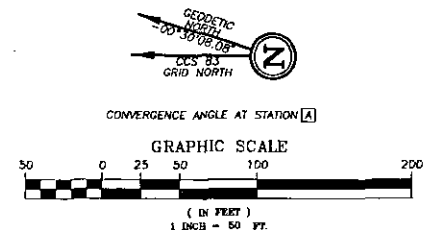
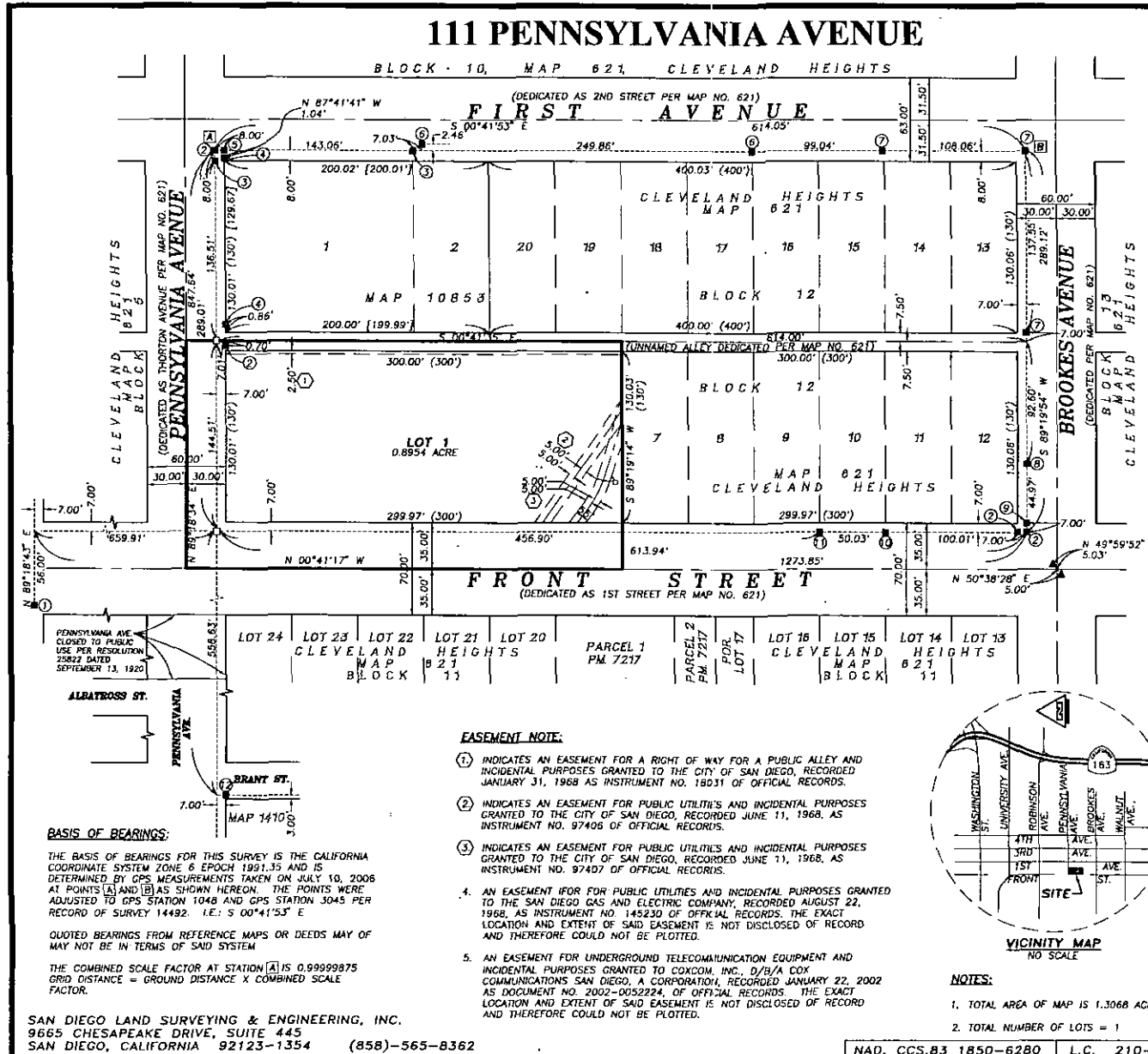
BY: _____
DEPUTY COUNTY RECORDER

CCS. 83 1850-6277 | L.C. 210-1717 | T.M. 237281 | P.T.S. NO. 156434 | J.O. 430919

001067

MAP NO.

SHEET 2 OF 2 SHEETS



- LEGEND:**
- INDICATES FOUND MONUMENTS AS NOTED.
 - ▲ INDICATES STREET SURVEY MONUMENTS PER MAP 10853 & R.O.S. 10796.
 - INDICATES SET LEAD & DISC STAMPED LS 7046 IN CONCRETE.
 - () INDICATES RECORD INFORMATION PER MAP 621.
 - [] INDICATES RECORD INFORMATION PER MAP 10853.
- INDICATES MAP BOUNDARY.
- (A) = NORTHING - 1852096.49 EASTING - 6280637.35**
(B) = NORTHING - 1851482.48 EASTING - 6280644.83

- MONUMENTATION NOTES:**
- ① INDICATES FOUND LEAD AND CITY ENGINEER'S DISC, PER C.R. 19257 & R.O.S. 18605.
 - ② INDICATES FOUND LEAD AND CITY ENGINEER'S DISC, NO RECORD.
 - ③ INDICATES FOUND LEAD AND DISC, STAMPED RCE 26112, PER MAP 10853 & R.O.S. 10796.
 - ④ INDICATES FOUND LEAD AND DISC, STAMPED RCE 11318, PER MAP 10853.
 - ⑤ INDICATES FOUND LEAD AND HOLE, NO RECORD.
 - ⑥ INDICATES FOUND LEAD AND TACK, PER MAP 10853.
 - ⑦ INDICATES FOUND LEAD AND DISC, STAMPED RCE 26548, PER R.O.S. 10796.
 - ⑧ INDICATES FOUND LEAD AND DISC, STAMPED 2976 NASLAND, PER MAP 10853 & R.O.S. 10796.
 - ⑨ INDICATES FOUND LEAD AND TACK, NO RECORD.
 - ⑩ INDICATES FOUND LEAD AND DISC, STAMPED LS 2201, PER P.M. NO. 7217, MAP 10853 & R.O.S. 10796.
 - ⑪ INDICATES FOUND CONCRETE NAIL AND DISC, ILLEGIBLE, NO RECORD.
 - ⑫ INDICATES FOUND LEAD AND DISC, STAMPED RE 469, PER C.R. 18277.
 - 13. THE SOUTHWEST LOT CORNER SET ALONG THE SIDELINE OF FRONT STREET IS MONUMENTED BY A DISC STAMPED "LS 7046", SET ALONG THE EXTENSION OF THE LOT LINE, AT AN OFFSET OF 7.00 FEET IN THE CONCRETE SIDEWALK, MEASURED AT RIGHT ANGLES TO THE RIGHT OF WAY LINE.
 - 14. THE SOUTHEAST LOT CORNER SET ALONG THE CENTERLINE OF THE UNNAMED ALLEY IS MONUMENTED BY A DISC STAMPED "LS 7046", SET ALONG THE EXTENSION OF THE LOT LINE, AT AN OFFSET OF 7.50 FEET IN THE CONCRETE ALLEY MEASURED AT RIGHT ANGLES TO THE RIGHT OF WAY LINE.

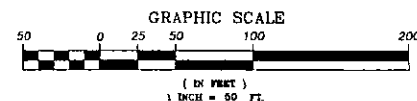
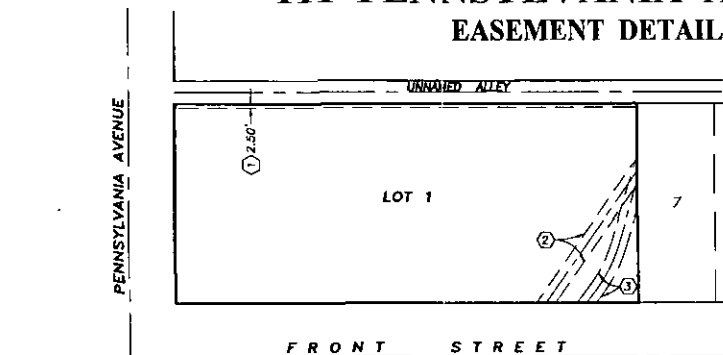
- NOTES:**
- 1. TOTAL AREA OF MAP IS 1.3068 ACRE.
 - 2. TOTAL NUMBER OF LOTS = 1

MAP NO.

SHEET 3 OF 3 SHEETS

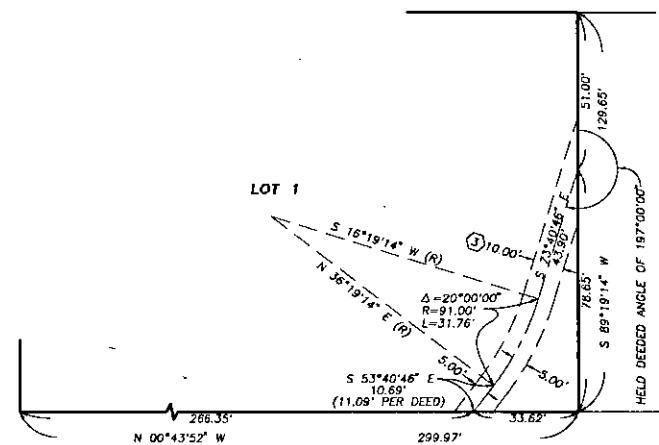
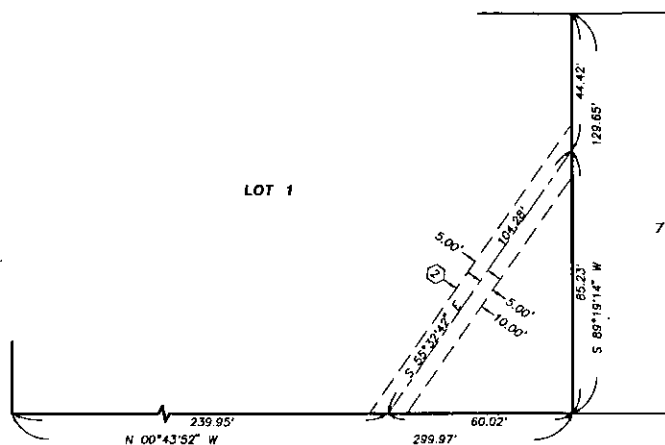
111 PENNSYLVANIA AVENUE

EASEMENT DETAIL



EASEMENT NOTES:

- ① INDICATES AN EASEMENT FOR A RIGHT OF WAY FOR A PUBLIC ALLEY AND INCIDENTAL PURPOSES GRANTED TO THE CITY OF SAN DIEGO, RECORDED JANUARY 31, 1968 AS INSTRUMENT NO. 18031 OF OFFICIAL RECORDS.
- ② INDICATES AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES GRANTED TO THE CITY OF SAN DIEGO, RECORDED JUNE 11, 1968, AS INSTRUMENT NO. 97406 OF OFFICIAL RECORDS.
- ③ INDICATES AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES GRANTED TO THE CITY OF SAN DIEGO, RECORDED JUNE 11, 1968, AS INSTRUMENT NO. 97407 OF OFFICIAL RECORDS.
4. AN EASEMENT FOR FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES GRANTED TO THE SAN DIEGO GAS AND ELECTRIC COMPANY, RECORDED AUGUST 22, 1968, AS INSTRUMENT NO. 145230 OF OFFICIAL RECORDS. THE EXACT LOCATION AND EXTENT OF SAID EASEMENT IS NOT DISCLOSED OF RECORD AND THEREFORE COULD NOT BE PLOTTED.
5. AN EASEMENT FOR UNDERGROUND TELECOMMUNICATION EQUIPMENT AND INCIDENTAL PURPOSES GRANTED TO COXCOM, INC., D/B/A COX COMMUNICATIONS SAN DIEGO, A CORPORATION, RECORDED JANUARY 22, 2002 AS DOCUMENT NO. 2002-0052224, OF OFFICIAL RECORDS. THE EXACT LOCATION AND EXTENT OF SAID EASEMENT IS NOT DISCLOSED OF RECORD AND THEREFORE COULD NOT BE PLOTTED.



SAN DIEGO LAND SURVEYING & ENGINEERING, INC.
9665 CHESAPEAKE DRIVE, SUITE 445
SAN DIEGO, CALIFORNIA 92123-1354 (858)-565-8362

CCS. 83 1850-6277 L.C. 210-1717 T.M. 237281 P.T.S. NO. 156434 J.O. 430919

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